

Withdrawn  
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COMMERCE, REGULATION & LABOR

HOUSE FILE 147  
BY SMITH, TYMESON, and  
RAYHONS

(COMPANION TO LSB 1829SS  
BY BOETTGER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to anatomical gifts including bone marrow and  
2 organ donation by state employees and grants from the  
3 anatomical gift public awareness and transplantation fund.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 147

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1 Section 1. NEW SECTION. 70A.39 BONE MARROW AND ORGAN  
2 DONATION INCENTIVE PROGRAM.

3 1. For the purposes of this section:

4 a. "Bone marrow" means the soft tissue that fills human  
5 bone cavities.

6 b. "Vascularized organ" means a heart, lung, liver,  
7 pancreas, kidney, intestine, or other organ that requires the  
8 continuous circulation of blood to remain useful for purposes  
9 of transplantation.

10 2. Beginning July 1, 2003, state employees, excluding  
11 employees covered under a collective bargaining agreement  
12 which provides otherwise, shall be granted leaves of absence  
13 in accordance with the following:

14 a. A leave of absence of five workdays for an employee who  
15 requests a leave of absence to serve as a bone marrow donor if  
16 the employee provides written verification that the employee  
17 will serve as a bone marrow donor.

18 b. A leave of absence of thirty workdays for an employee  
19 who requests a leave of absence to serve as a vascular organ  
20 donor if the employee provides written verification that the  
21 employee will serve as a vascular organ donor.

22 3. An employee who is granted a leave of absence under  
23 this section shall receive leave without loss of seniority,  
24 pay, vacation time, personal days, sick leave, insurance and  
25 health coverage benefits, or earned overtime accumulation.  
26 The employee shall be compensated at the employee's regular  
27 rate of pay for those regular work hours during which the  
28 employee is absent from work.

29 4. An employee deemed to be on leave under this section  
30 shall not be deemed to be an employee of the state for  
31 purposes of workers' compensation or for purposes of the tort  
32 claims Act.

33 Sec. 2. Section 142C.15, subsection 4, paragraph c, Code  
34 2003, is amended to read as follows:

35 c. Not more than fifty percent of the moneys in the fund

1 annually may be expended in the form of grants to hospitals  
2 which perform heart, lung, liver, pancreas, or kidney  
3 transplants. -- As a condition of receiving a grant, a hospital  
4 shall demonstrate, through documentation, that the hospital,  
5 during the previous calendar year, properly complied with in-  
6 hospital anatomical gift request protocols for all deaths  
7 occurring in the hospital at a percentage rate which places  
8 the hospital in the upper fifty percent of all protocol  
9 compliance rates for hospitals submitting documentation for  
10 cost reimbursement under this section. -- The transplant  
11 recipients, transplant candidates, or a transplant recipient's  
12 or transplant candidate's legal representative. A transplant  
13 recipient, transplant candidate, or a transplant recipient's  
14 or transplant candidate's legal representative shall submit a  
15 grant application with supporting documentation provided by a  
16 hospital ~~shall submit an application on behalf of a patient~~  
17 requiring that performs transplants, verifying that the grant  
18 applicant requires a transplant in and specifying the amount  
19 of the costs associated with the following, if funds are not  
20 available from any other third-party payor:

- 21 (1) The costs of the organ transplantation procedure.
- 22 (2) The costs of post-transplantation drug or other  
23 therapy.
- 24 (3) Other transplantation costs including but not limited  
25 to food, lodging, and transportation.

26 EXPLANATION

27 This bill establishes a bone marrow and vascular organ  
28 donation incentive program for state employees. The bill  
29 provides that beginning July 1, 2003, state employees,  
30 excluding employees covered under a collective bargaining  
31 agreement which provides otherwise, are to be granted leaves  
32 of absence of five workdays for an employee who requests a  
33 leave of absence to serve as a bone marrow donor if the  
34 employee provides written verification that the employee will  
35 serve as a bone marrow donor and a leave of absence of 30

1 workdays for an employee who requests a leave of absence to  
2 serve as a vascular organ donor if the employee provides  
3 written verification that the employee will serve as a  
4 vascular organ donor.

5 An employee granted a leave of absence under the bill is to  
6 receive the leave without loss of seniority, pay, vacation  
7 time, personal days, sick leave, insurance and health coverage  
8 benefits, or earned overtime accumulation. The employee is  
9 also to be compensated at the employee's regular rate of pay  
10 for those regular work hours during which the employee is  
11 absent from work. Under the bill, an employee on leave is not  
12 deemed an employee of the state for purposes of workers'  
13 compensation or for purposes of the tort claims Act.

14 The bill also changes the allowable expenditures from the  
15 anatomical gift public awareness and transplantation fund to  
16 provide that instead of expending not more than 50 percent of  
17 the moneys in the fund annually in the form of grants to  
18 hospitals which perform heart, lung, liver, pancreas, or  
19 kidney transplants, this amount would be awarded to transplant  
20 recipients, transplant candidates, and the legal  
21 representatives of transplant recipients and transplant  
22 candidates. The bill requires that the transplant recipient,  
23 transplant candidate, or the transplant recipient's or  
24 transplant candidate's legal representative submit a grant  
25 application with supporting documentation provided by a  
26 hospital that performs transplants, verifying that the grant  
27 applicant requires a transplant and specifying the amount of  
28 the costs associated with the transplantation.

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